

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK KOCSIS,)
Petitioner,) Civil Action No. 05-1096
vs.) Judge Joy Flowers Conti
COMMONWEALTH OF PENNSYLVANIA,) Magistrate Judge Lisa Lenihan
Respondent.)

MEMORANDUM ORDER

The above captioned Petition was received by the Clerk of Court on June 3, 2005, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Doc. No. 8), filed on March 7, 2006, recommended that the Petition for Writ of Habeas Corpus be dismissed as raising issues not cognizable in habeas corpus proceedings. Service was made on Petitioner and on counsel of record for Respondents. The parties were informed that in accordance with Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. No objections have been filed.

After review of the pleadings and the documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 31st day of March, 2006;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 8) of Magistrate Judge Lenihan, dated March 7, 2006, is adopted as the opinion of the Court.

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: The Honorable Lisa Pupo Lenihan
United States Magistrate Judge

Mark Kocsis, FT 0530
SCI Albion
10745 Route 18
Albion, PA 16475-0004

Judith P. Petrush
Assistant District Attorney
2 North Main Street
Greensburg, PA 15601